



- 1        1. ( ) serious risk defendant will flee;
- 2        2. ( ) serious risk defendant will  
3              a. ( ) obstruct or attempt to obstruct justice;  
4              b. ( ) threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

5              II.

6        The Court finds no condition or combination of conditions will reasonably assure:

- 7              A. (✓) appearance of defendant as required; and/or
- 8              B. (✓) safety of any person or the community.

9              III.

10       The Court has considered:

- 11              A. (✓) the nature and circumstances of the offense, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 12              B. (✓) the weight of evidence against the defendant;
- 13              C. (✓) the history and characteristics of the defendant;
- 14              D. (✓) the nature and seriousness of the danger to any person or to the community.

17              IV.

18       The Court concludes:

- 19              A. (✓) Defendant poses a risk to the safety of other persons or the community because:

20       *nature of offenses ; use of juvenile*  
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1       B. () History and characteristics indicate a serious risk that defendant will flee because:

2                                  *illegal alien;*

3                                  *previously deported 2x*

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8       C. () A serious risk exists that defendant will:

9                                  1. () obstruct or attempt to obstruct justice;

10                                 2. () threaten, injure or intimidate a witness/ juror, because:

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18       D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption  
provided in 18 U.S.C. § 3142 (e).

19                                 IT IS ORDERED that defendant be detained prior to trial.

20                                 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections  
21 facility separate from persons awaiting or serving sentences or person held pending appeal.

22                                 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private  
23 consultation with his counsel.

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DATED: 7/17/08

*Say Cleary*

27                                 **ROSYALYN M. CHAPMAN**  
28                                 UNITED STATES MAGISTRATE JUDGE